IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA DANVILLE DIVISION

DANNY W. RATCLIFFE,)
) Case No. 4:07CV00050
Plaintiff,)
)
v.) ORDER
)
MICHAEL J. ASTRUE,	
Commissioner of Social Security,) By: Jackson L. Kiser
) Senior United States District Judge
Defendant.	
)
)

Before me is the Report and Recommendation ("Report") of the United States Magistrate Judge recommending that Plaintiff's Motion for Summary Judgment be granted and the case remanded to the Commissioner for further proceedings. Specifically, the Magistrate Judge found that Plaintiff proffered new and material evidence, but that the Appeals Council applied an erroneous standard in declining to consider that evidence. This Report was filed June 17, 2008, from which the parties had ten (10) days to file objections. No objections were filed.

Accordingly, it is this day **ADJUDGED** and **ORDERED** that the Report and Recommendation shall be, and hereby is, **ADOPTED** in its entirety. Plaintiff's Motion for Summary Judgment is **GRANTED**, and the case is **REMANDED** to the Commissioner for further proceedings.

The Clerk is directed to send a copy of this Order to all counsel of record and to strike this case from the Court's active docket.

Entered	this	3rd	day	of Ju	ıly,	2008.
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s/Jackson L. Kiser
Senior United States District Judge